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SEP 16 2019

ANGIE SPARKS, Clerk of District Court
By **K KRESGE**, Deputy Clerk

**MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY**

ADVOCATES FOR SCHOOL TRUST
LANDS; and KINTLA and KEIR
BALUKAS, by and through their parent
and general guardian,

Plaintiffs,

v.

THE STATE OF MONTANA,

Defendant.

Cause No. BDV-2019-1272

**ORDER FOR PRELIMINARY
INJUNCTION**

The parties have submitted a joint motion for preliminary injunction (joint motion). The State stipulates to the joint motion because the Montana Attorney General has been informed by the Montana Department of Natural Resources and Conservation (DNRC) that compliance with the September 30, 2019 deadline established by section 1(3) of House Bill 286 of the 2019 Montana Legislature (HB 286), *see* 2019 Mont. Laws 432, to rescind

1 or seek a judicial determination of its ownership claims put at issue by HB 286,
2 would impose tremendous burdens upon both DNRC and the parties against
3 whom DNRC may initiate judicial proceedings as contemplated by section
4 1(2)(a) of HB 286. Entry of this injunction will avoid potential injury and
5 confusion regarding property rights pending resolution of the merits of the
6 litigation, *see* Montana Code Annotated § 27-19-201, without prejudice to any
7 long-term rights of any affected persons.

8 The Court therefore enters the following ORDER:

9 1. A preliminary injunction shall go into immediate effect
10 enjoining implementation of HB 286.

11 2. Pursuant to this preliminary injunction, no officer, agent, or
12 employee of the State of Montana shall undertake any act to implement or
13 effectuate any of the terms of HB 286.

14 3. This preliminary injunction shall have no bearing on the
15 ultimate disposition on the merits of Plaintiffs' claims or preclude the State from
16 taking any action to oppose those claims. Plaintiffs shall not cite to or rely on the
17 entry of this preliminary injunction as support for the merits of any of their
18 claims.

19 4. Plaintiffs may not seek an award of attorney fees in connection
20 with any legal work performed in connection with entry of this preliminary
21 injunction, but is not precluded from seeking fees for work, if any, necessary to
22 enforce the terms of the injunction.

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